

### **Examiner's Attachment**

In response to the Appellant's Reply Brief filed 5/22/2009, the Reply Brief has been NOTED and acknowledged by the Examiner.

The Appellant has requested that the Examiner provides an affidavit or document to support an alleged Official Notice. In response, the Appellant does not make it clear as to what the Examiner has stated in taken the alleged "official notice" statement. Furthermore, the Examiner does not make an Official Notice statement and therefore is not obliged to provide an affidavit. The Examiner's analysis as noted in the Examiner's Answer is based on factual support and or sound and reasonable statement to support the rejection(s).

**Since no further response by the appellant is deemed necessary, the application has been forwarded to the Board of Appeals and Interferences for decision on the Appeal.**

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3696

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Frantzy Poinvil/  
Primary Examiner  
Art Unit 3696**

FP  
July 21, 2009